

Tobacco Control Laws

**That
Affect
Retail
Businesses**

Updated 2013



An Important Message

***from the California
Department of
Public Health
and the Attorney
General's Office***



**Stop Tobacco Access to Kids
E N F O R C E M E N T A C T**

Dear Business Owner:

This January 2013 brochure contains basic information on the state and federal tobacco control laws that affect retail businesses. Retailers must comply with both state and federal laws.

Additionally, many cities and counties regulate the sale and distribution of tobacco products and issue licenses that authorize the sale of tobacco products. Retailers must also comply with local laws where they exist. Check with your local health department regarding local laws that may apply to your retail business regarding the sale and distribution of tobacco products.

Information is also available on the Internet at:

- State Laws:
www.leginfo.ca.gov/calaw.html
- California Attorney General's Office, Tobacco Litigation and Enforcement Section:
www.caag.state.ca.us/tobacco
- California State Board of Equalization: www.boe.ca.gov
- Food and Drug Administration, Center for Tobacco Products
www.fda.gov/breakthechain
- List of Local Health Department Tobacco Control Program
Contacts: <http://www.cdph.ca.gov/programs/tobacco/Pages/LocalHealthDepartmentPrograms.aspx>

Words in **bold type** are defined in the glossary. Your local health department can advise you of additional local tobacco control laws that affect your business.

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At a Glance— **How to Comply with the Laws**

When you get a tobacco retail license issued by the California State Board of Equalization (BOE), you must

- **DISPLAY** your license so your customers can see it.
- **KEEP** complete, readable purchase invoices for cigarettes and tobacco products for four years.
- **KEEP** purchase invoices for cigarette and tobacco products in the same store where the purchased items are being sold for at least one year after the date of purchase.
- **HAVE** your cigarette and tobacco products purchase invoices available for review by BOE staff or law enforcement officers.

How to prevent tobacco sales to minors

- **MAKE SURE** your employees always ask customers who look younger than 27 years old for IDs and check the birthdates carefully.
- **ACCEPT** only valid government-issued photo IDs (driver's license, state ID, passport, military ID).

When you train employees to prevent tobacco sales to minors

- **TRAIN** your employees who sell tobacco products so that they

understand all the laws and company rules about selling tobacco products. Also include training on the health-related reasons to not sell tobacco products to minors.

- **TEACH** employees how to check for age. Have them practice how to figure out someone's age from an ID. Also teach them how to act and what to say when they have to refuse to sell to someone.
- **PROVIDE** more training if any employee breaks the law or store rules.
- **GIVE** employees written copies of the tobacco laws and store rules. Have them sign the copies to show that they have read and understood them.

How can you help employees comply with the law?

- **POST** the required *Stop Tobacco Access to Kids Enforcement (STAKE) Act* age-of-sale warning signs. Also post signs to remind employees and inform customers that anyone who looks under age 27 will be asked for ID.
- **KEEP** aids at the checkout or register to help employees figure out age (calendars, register prompts, electronic ID scanning system, etc.).

Be sure you are complying with the laws!

- **NO** tobacco products or **tobacco paraphernalia** sold to anyone under age 18
- **NO self-service display** of tobacco products or paraphernalia (with limited exceptions for cigars, pipe tobacco, snuff, and chew/dip in tobacco-only stores)

- NO sales of single cigarettes or cigarette packs with less than 20 cigarettes
- NO **tobacco samples** in your store (with limited exceptions)
- NO sales of **bidis** in businesses that allow minors
- NO sales of flavored cigarettes, or flavored cigarette components, such as roll-your-own tobacco and cigarette **tobacco paraphernalia** such as filters or papers (with an exception for menthol flavoring)
- NO tobacco vending machines except in bars where minors are not allowed
- POST the required **STAKE Act** age-of-sale warning signs at each cash register

License Requirements

✓ *California Cigarette and Tobacco Products Licensing Act of 2003*

Under the *California Cigarette and Tobacco Products Licensing Act of 2003*, businesses in California that sell cigarettes and other tobacco products to the public must have a California Cigarette and Tobacco Products License. This is true even if you have a seller's permit, or other permits or licenses issued by the BOE or a local government.

WHO is required to have a license?

Since June 30, 2004, sellers of cigarettes and other tobacco products in California

must have a license to sell cigarettes or tobacco products to the public from a building or vending machine. You must have a separate license for each location or vending machine. Whenever you add a new location where you sell tobacco products, you must get a separate license for that location.

You must obtain a distributor's license if you buy tobacco products either from an out-of-state seller who is not licensed under this Act or a California licensed importer. You must get a wholesaler's license if you buy tax-paid cigarettes or tobacco products for resale. Either license costs \$1,000 per year for each location where you sell or distribute tobacco products.

You can contact the BOE Special Taxes and Fees Division at (800) 400-7115 to learn more about becoming a licensed California Distributer or Wholesaler.

HOW much does a state tobacco retailer's license cost?

There is a one-time fee of \$100 for *each* license for *each* location or vending machine where you sell cigarettes or tobacco products to the public. A license is good for a 12-month period and must be renewed every year. You do not have to pay a fee to renew the license. However, if you fail to renew your license before its expiration date, there is an additional \$100 fee to reinstate your license.

HOW do I get a state tobacco license?

You can apply online for accounts, license and permits using eRegistration (eReg) available on BOE's website at **www.boe.ca.gov**. eReg is also available in BOE's field offices. Please contact BOE's Taxpayer Information Section for assistance at (800) 400-7115.

Note: You cannot legally sell any tobacco products until you receive your Cigarette and Tobacco Products Retailer's license.

In addition to the state licensing requirement for retail tobacco sales, many city and county governments have additional licensing requirements. Check with your local business license department for more information.

WHAT if my license is suspended or revoked?

If your state tobacco license is suspended or revoked, you cannot sell, display for sale, or give away any tobacco products. Cigarettes and tobacco products also cannot be placed in a vending machine or retail stock during a license suspension. Retailers must also post a notice of suspension or revocation at each public entrance, cash register, and other point of sale. The penalties for selling, displaying, or giving away tobacco products range from a \$1,000 fine to seizure of all the tobacco products in your possession.

✓ *As a license holder, you must*

- **DISPLAY** your license where the public can easily read it. Failure to do so is an automatic fine of \$500. Your license may also be taken away temporarily or permanently.
- **KEEP** complete and readable purchase invoices for cigarettes and tobacco products for four years. Failure to do so may result in a fine of up to \$5,000 and/or imprisonment for up to one year in a county jail. Keep these invoices at each licensed location where you are selling the tobacco products for at least one year after the purchase date.
- **LET** BOE staff or law enforcement officers see your cigarette and tobacco products purchase invoices when they ask you for them. The law also allows BOE staff and law enforcement officers to take any untaxed cigarettes and tobacco products, including cigarettes without stamps or with counterfeit tax stamps. If you refuse to allow an inspection, you are breaking the law and may be fined.

Purchase Invoice Requirements

The invoices you get from wholesalers and distributors licensed under the ***California Cigarette and Tobacco Products Licensing Act of 2003*** must have the following information:

- The name of the wholesaler or distributor who sold you the cigarettes or tobacco products

- The address, telephone number, and license number of the wholesaler or distributor
- The amount of excise tax paid to the BOE. An invoice must say that all California cigarette and tobacco product taxes are included in the total amount of this invoice
- Retailer's name, address, and license number
- An itemized list of the products sold

Illegal Purchases

It is against the law for you to buy cigarettes or tobacco products from a seller who is not licensed under the *California Cigarette and Tobacco Products Licensing Act of 2003*. If you make an illegal purchase, your license may be taken away temporarily or permanently. You may also be fined and/or sent to prison.

Note: A list of California-licensed distributors and wholesalers is on the Board of Equalization website at:

www.boe.ca.gov/sptaxprog/pdf/AB71Distrib.pdf, and

www.boe.ca.gov/sptaxprog/pdf/AB71Wholsr.pdf.

Laws about Selling to Minors

✓ Selling tobacco to anyone under the age of 18 is against the law. Anyone younger than 18 years old is a minor.

Two California laws prohibit selling tobacco to minors: ***Penal Code Section 308*** and the ***STAKE Act***, Business and Professions Code Section 22950–22963.

Penal Code Section 308

- It is a crime to sell, give, or in any way supply tobacco products and paraphernalia to minors.
- Signs with the “1-800-5 ASK-4-ID” phone number must be posted at each cash register.

WHAT are the penalties?

Storeowners and/or clerks who sell to minors may be charged with a misdemeanor or may be fined: \$200 for the first violation, \$500 for the second violation, and \$1,000 for the third violation.

WHO enforces this law?

Local law enforcement agencies.

STAKE Act

- Outlaws selling or giving tobacco products to minors.
- Sellers must check the ID of anyone who looks younger than age 18.
- Signs with the “1-800-5 ASK-4-ID” phone number must be posted at each cash register or point of purchase.
- The state health department, and any state agency or local enforcement agency, may use **youth decoys** in on-site inspections to determine if retailers are selling illegally to youth.
- **Youth decoys** involved in law enforcement inspections will show a

legal ID with their real age if asked, but they do not have to state their real age.

- There are three ways your business can be inspected: at random, in response to public complaints, or if it has been found in violation at previous inspections.
- Illegal sales of tobacco to minors made over the phone, through the mail, or via the Internet may also be investigated.

WHAT are the penalties?

Penalties under **STAKE Act** are enforced against store owners—not employees.

- \$400–\$600 for the first violation
- \$900–\$1,000 for the second violation within a five-year period
- \$1,200–\$1,800 for a third violation within a five-year period
- \$3,000–\$4,000 for a fourth violation within a five-year period
- \$5,000–\$6,000 for a fifth violation and each additional violation within a five-year period

Effective January 1, 2013, if a business has been assessed a civil penalty for the third, fourth, or fifth **STAKE Act** violation in a five-year period, the California Department of Public Health is required to notify the BOE. The BOE may impose additional penalties upon these businesses. The additional penalties include the assessment of a civil penalty of \$250 and suspension or revocation of the retailer's license per the following schedule:

- A 45-day suspension of the license for a third violation at the same location within a five-year period.
- A 90-day suspension of the license for a fourth violation at the same location within a five-year period.
- Revocation of the license for a fifth violation at the same location within a five-year period.

WHO enforces this law?

The Food and Drug Branch of the California Department of Public Health is the primary enforcing agency, but any state agency or local law enforcement agency may also enforce the **STAKE Act**.

For free signs and educational materials about the **STAKE Act**, call the **STAKE Act** hotline at (800) 527-5443.

Please refer to the section “Requirements about Storefront Ads” on pg. 15 for more information about required **STAKE Act** signage.

The federal **Family Smoking Prevention and Tobacco Control Act** (referred to as the “**2009 Tobacco Control Act**”), also prohibits tobacco sales to minors.

2009 Tobacco Control Act

- It is unlawful to sell cigarettes or smokeless tobacco to minors.
- Retailers must check the photo identification of any person under the age of 27.

WHAT are the penalties?

Penalties under the **2009 Tobacco Control Act** are enforced against store owners.

- A warning letter for the first violation
- Up to \$250 for the second violation within a one-year period
- Up to \$500 for the third violation within a two-year period
- Up to \$2,000 for the fourth violation within a two-year period
- Up to \$5,000 for the fifth violation within a three-year period
- Up to \$10,000 for the sixth and subsequent violations in a four-year period
- After the fifth violation over a three-year period, store owners may also receive a no-tobacco-sale order. This prohibits the sale of tobacco products permanently or for a specified period of time.

These fines apply to retailers with a training program that meets certain FDA criteria. Fines can be increased for retailers without an approved training program. For more information, please visit www.fda.gov/breakthechain.

WHO enforces this law?

FDA officers or employees, officers or employees of other federal departments or agencies, or certain state officers or employees commissioned by the FDA.

To find out about additional local tobacco control laws where you live, contact your local law enforcement agency or local health department's tobacco control program.

Laws about Self-Service Displays

✓ *Customers may not help themselves to cigarettes and other tobacco products and paraphernalia.*

As of January 1, 2005, the **self-service display** of tobacco products is a violation of the **STAKE Act**. Tobacco products include cigarettes, chewing tobacco, dipping tobacco, snuff, cigars, **bidis**, pipe tobacco, roll your own tobacco, and any other product containing tobacco. A **self-service display** allows access to products by customers without help from a clerk. The **self-service display of tobacco paraphernalia** is also against the law.

The **2009 Tobacco Control Act** also prohibits the self-service display of certain tobacco products. As of June 22, 2010, cigarettes and smokeless tobacco products can only be sold in a direct, face-to-face exchange with the customer.

WHAT is tobacco paraphernalia?

Tobacco paraphernalia includes cigarette papers or wrappers, pipes, holders of smoking materials of all types, cigarette rolling machines, or other instruments or things designed for the smoking or ingestion of tobacco products.

ARE there any exceptions?

The law contains certain exceptions

which apply only to **tobacco stores**. These are stores that generate more than 60% of gross annual revenue from the sale of tobacco products and paraphernalia, prohibit unaccompanied minors, and do not sell alcohol or food for consumption on the premises. **Tobacco stores** may have **self-service displays** of pipe tobacco, or cigars in packages of six or more in the original wrapping.

WHAT are the penalties?

If you break the law, you may be fined the following amounts:

- \$400–\$600 for the first violation
- \$900–\$1,000 for the second violation within a five-year period
- \$1,200–\$1,800 for a third violation within a five-year period
- \$3,000–\$4,000 for a fourth violation within a five-year period
- \$5,000–\$6,000 for a fifth violation and each additional violation within a five-year period

WHO enforces the law?

The Attorney General, a city attorney, a county counsel, or a district attorney

ARE there any exceptions?

Vending machines and **self-service displays** are permitted only in a facility where minors are not allowed at any time under any circumstance.

DOES the law apply to cigars?

No. The *2009 Tobacco Control Act*

provisions on **self-service displays** apply only to cigarettes and smokeless tobacco at this time.

WHAT are the penalties?

Penalties under the *2009 Tobacco Control Act* are enforced against store owners.

- A warning letter for the first violation
- Up to \$250 for the second violation within a one-year period
- Up to \$500 for the third violation within a two-year period
- Up to \$2,000 for the fourth violation within a two-year period
- Up to \$5,000 for the fifth violation within a three-year period
- Up to \$10,000 for the sixth and subsequent violations in a four-year period
- After the fifth violation over a three-year period, store owners may also receive a no-tobacco-sale order. This prohibits the sale of tobacco products permanently or for a specified period of time.

These fines apply to retailers with a training program that meets certain FDA criteria. Fines can be increased for retailers without an approved training program. For more information, please visit www.fda.gov/breakthechain.

WHO enforces this law?

FDA officers or employees, officers or employees of other federal departments or agencies, or certain state officers or employees commissioned by FDA.

Requirements about Signs and Storefront Ads

✓ *You must post a **STAKE Act** age-of-sale warning sign at each cash register.*

Every business that sells tobacco must post a **STAKE Act** age-of-sale warning sign to where tobacco sales take place, such as near a cash register. It is against the law to not post this sign.

- The sign must have all of the following words:

The Sale of Tobacco Products to Persons Under 18 Years of Age is Prohibited by Law and Subject to Penalties. Valid Identification May Be Required. To Report an Unlawful Tobacco Sale, Call 1-800-5 ASK-4-ID. Business and Professions Code Section 22952.

- The sign must be square (at least 5.5 inches by 5.5 inches) or rectangular (at least 3.66 inches by 8.5 inches), and the lettering must use specified font sizes.
- The sign must have bold letters and a contrasting color background.
- The sign must be “likely to be read by a customer,” and all of the required information must be readable and not altered, covered, or erased in whole or in part.

WHERE can I get free signs?



You can get free signs by contacting the Tobacco Education Clearinghouse of California at (800) 258-9090 x103 or www.TobaccoFreeCatalog.org. You can also get them at your local health department tobacco control program.

Note: The *We Card* sign provided by the tobacco industry does not meet the state law requirements.

WHAT are the penalties?

If you do not post signs at each cash register, you may be fined the following amounts under the **STAKE Act**:

- \$200 for the first violation
- \$500 for each additional violation

(Note: there are alternative penalties available under *Penal Code Section 308*.)

WHO enforces this law?

The Food and Drug Branch of the California Department of Public Health is the primary enforcing agency, but any state agency and local law enforcement agency may also enforce this law.

✓ *Outdoor and storefront signs advertising tobacco may not be more than 14 square feet.*

Under the Tobacco Master Settlement Agreement between California and the major tobacco companies, signs advertising cigarettes and smokeless tobacco that are displayed outside a tobacco retail store, or on a window facing outward, may not be more than 14 square feet. “**Mosaics**” (ads placed next to each other) are also not allowed if the display is larger than 14 square feet.

WHO enforces the Tobacco Master Settlement Agreement?

The California Attorney General.

Laws about Tobacco Packaging

✓ *Sales of individual cigarettes are prohibited.*

- It is a violation of *Penal Code Section 308* to sell single cigarettes. Cigarettes must be sold in the sealed and properly labeled packaging of the manufacturer or importer, which meets federal labeling requirements.
- Cigarettes may not be manufactured for sale, distributed, sold, or offered for sale in packages of fewer than 20 cigarettes.

- Roll-your-own tobacco may not be manufactured for sale, distributed, sold, or offered for sale in a package containing less than 0.60 ounces of tobacco.

WHAT are the penalties?

Any person, firm, corporation, or business that breaks this law may be fined the following amounts:

- \$200 for the first violation
- \$500 for the second violation
- \$1,000 for each subsequent violation

WHO enforces the law?

Local law enforcement agencies may enforce this law. The Attorney General, a district attorney, a county counsel, or a city attorney may bring a civil action.

The *2009 Tobacco Control Act* also prohibits the sale of single cigarettes. Cigarettes cannot be sold in packages of less than 20 cigarettes. There is a limited exception for packaged single cigarette sales from vending machines in locations where minors are prohibited at all times.

WHAT are the penalties?

Penalties under the *2009 Tobacco Control Act* are enforced against store owners.

- A warning letter for the first violation
- Up to \$250 for the second violation within a one-year period
- Up to \$500 for the third violation within a two-year period
- Up to \$2,000 for the fourth violation within a two-year period

- Up to \$5,000 for the fifth violation within a three-year period
- Up to \$10,000 for the sixth and subsequent violations in a four-year period
- After the fifth violation over a three-year period, store owners may also receive a no-tobacco-sale order. This prohibits the sale of tobacco products permanently or for a specified period of time.

These fines apply to retailers with a training program that meets certain FDA criteria. Fines can be increased for retailers without an approved training program. For more information, please visit www.fda.gov/breakthechain.

WHO enforces this law?

FDA officers or employees, officers or employees of other federal departments or agencies, or certain state officers or employees commissioned by the FDA.

Restrictions on the Sale of Bidis

✓ Selling Bidis is against the law at most retail locations.

The sale, offer for sale, distribution, or importation of “**bidis**” (also known as “**beedies**”) is a violation of **Penal Code Section 308** except where minors (persons under the age of 18) are not allowed.

WHAT are “bidis”?

Bidis are hand-rolled cigarettes containing tobacco wrapped in temburi or tendu leaf that are imported mainly from India and some Southeast Asian countries. They come in a variety of candy-like flavors and often are sold in packs of fewer than 20.

WHAT are the penalties?

You may be fined up to \$2,000 every time you break the law.

WHO enforces the law?

Local law enforcement agencies may enforce this law. The Attorney General, a district attorney, a county counsel, or a city attorney may bring a civil action.

Restrictions on the Sale of “Light,” “Low,” and “Mild” Tobacco Products

✓ Selling “light,” “low,” and “mild” tobacco products is against the law in most situations.

As of July 22, 2010, the **2009 Tobacco Control Act** requires that tobacco manufacturers cannot sell products to retailers with labeling that includes the descriptors “light,” “low,” “mild,” or other similar words.

ARE there any exceptions?

Retailers can only sell their existing supply of these products after July 22, 2010.

WHAT are the penalties?

Penalties under the **2009 Tobacco Control Act** are enforced against store owners.

- A warning letter for the first violation
- Up to \$250 for the second violation within a one-year period
- Up to \$500 for the third violation within a two-year period
- Up to \$2,000 for the fourth violation within a two-year period
- Up to \$5,000 for the fifth violation within a three-year period
- Up to \$10,000 for the sixth and subsequent violations in a four-year period
- After the fifth violation over a three-year period, store owners may also receive a no-tobacco-sale order. This prohibits the sale of tobacco products permanently or for a specified period of time.

These fines apply to retailers with a training program that meets certain FDA criteria. Fines can be increased for retailers without an approved training program. For more information, please visit www.fda.gov/breakthechain.

WHO enforces this law?

FDA officers or employees, officers or employees of other federal departments or agencies, or certain state officers or employees commissioned by the FDA.

Restrictions on the Sale of Flavored Cigarettes

✓ Selling flavored cigarettes, other than menthol, is against the law.

- As of September 22, 2009, the **2009 Tobacco Control Act** prohibits cigarettes that contain a flavor or spice other than menthol.
- Clove cigarettes are also prohibited.

WHAT are the penalties?

Penalties under the **2009 Tobacco Control Act** are enforced against store owners.

- A warning letter for the first violation
- Up to \$250 for the second violation within a one-year period
- Up to \$500 for the third violation within a two-year period
- Up to \$2,000 for the fourth violation within a two-year period
- Up to \$5,000 for the fifth violation within a three-year period
- Up to \$10,000 for the sixth and subsequent violations in a four-year period
- After the fifth violation over a three-year period, store owners may also receive a no-tobacco-sale order. This prohibits the sale of tobacco products permanently or for a specified period of time.

These fines apply to retailers with a training program that meets certain FDA criteria. Fines can be increased for retailers without an approved training program.

For more information, please visit
www.fda.gov/breakthechain.

WHO enforces the law?

FDA officers or employees, officers or employees of other federal departments or agencies, or certain state officers or employees commissioned by the FDA.

Restrictions on Tobacco Samples

✓ *The distribution of free or low-cost tobacco products or coupons is against the law.*

Coupons, rebates, and gift certificates

California Health and Safety Code 118950 prohibits the distribution of free or low-cost tobacco products. Giving away coupons, rebates, and gift certificates for free or low-cost tobacco products is also illegal.

ARE there any exceptions?

Coupons, rebates, and gift certificates can be distributed in connection with the sale of another item, for example, tobacco products or cigarette lighters.

WHAT are the penalties?

If you break the law, you may be fined the following amounts:

- \$200 for the first item

- \$500 for the second item
- \$1,000 for each item after that

WHO enforces this law?

The Attorney General or a local prosecutor.

Sampling Restrictions

As of June 22, 2010, the **2009 Tobacco Control Act** prohibits the free distribution of all tobacco products. The only exception is smokeless tobacco, in which ONE 15-gram package of smokeless tobacco can be given per adult customer. All give-aways must take place in a qualified Adult-Only Facility (AOF). AOFs are not permitted at basketball, baseball, football, soccer, or hockey events.

The AOF must:

- Have a law enforcement officer present to check photo ID and limit access only to adults
- Not serve, sell, or distribute alcohol
- Be a temporary, enclosed structure created for the purpose of distributing smokeless tobacco samples
- Have an interior which is not visible from outside the structure, unless a person makes an unreasonable attempt to see inside

WHAT are the penalties?

Penalties under the **2009 Tobacco Control Act** are enforced against store owners.

- A warning letter for the first violation
- Up to \$250 for the second violation within a one-year period

- Up to \$500 for the third violation within a two-year period
- Up to \$2,000 for the fourth violation within a two-year period
- Up to \$5,000 for the fifth violation within a three-year period
- Up to \$10,000 for the sixth and subsequent violations in a four-year period
- After the fifth violation over a three-year period, store owners may also receive a no-tobacco-sale order. This prohibits the sale of tobacco products permanently or for a specified period of time.

These fines apply to retailers with a training program that meets certain FDA criteria. Fines can be increased for retailers without an approved training program. For more information, please visit www.fda.gov/breakthechain.

WHO enforces the law?

FDA officers or employees, officers or employees of other federal departments or agencies, or certain state officers or employees commissioned by the FDA.

Citations

To access electronic copies of the laws cited here, please visit the following:

- **California Health and Safety Code**
www.leginfo.ca.gov/calaw.html
California Health and Safety Code Section 118950
- **Cigarette and Tobacco Products Licensing Act of 2003**

www.leginfo.ca.gov/calaw.html

Business and Professions Code Sections 22970-22995

- **Family Smoking Prevention and Tobacco Control Act (2009 Tobacco Control Act)**

www.fda.gov/TobaccoProducts/default.htm

- **Penal Code Section 308**
www.leginfo.ca.gov/calaw.html
Penal Code Section 308

- **Stop Tobacco Access to Kids Enforcement (STAKE) Act**

www.leginfo.ca.gov/calaw.html

Business and Professions Code Section 22950-22963

- **Tobacco Master Settlement Agreement**
<http://ag.ca.gov/tobacco/msa.php>

Glossary

2009 Tobacco Control Act: see *Family Smoking Prevention and Tobacco Control Act*

bidis: imported, hand rolled cigarettes containing tobacco wrapped in temburi or tendu leaf

California Cigarette and Tobacco Products Licensing Act of 2003: state law that requires California businesses to have a license to sell cigarettes and other tobacco products to the public

Family Smoking Prevention and Tobacco Control Act: federal law that authorizes the Food and Drug Administration to

regulate tobacco products; the law places several restrictions on the sale of cigarettes and smokeless tobacco products

mosaics or mosaic ads: ads placed next to each other on windows, doors, or walls

Penal Code Section 308: a state law that makes it a crime to sell or give tobacco products or paraphernalia to minors

self-service display: a display of tobacco products and tobacco paraphernalia that the public can access without help from a clerk

STAKE Act: the Stop Tobacco Access to Kids Enforcement Act is a state law that outlaws selling or giving tobacco products or paraphernalia to minors and places other restrictions on the sale of tobacco products

tobacco paraphernalia: cigarette papers or wrappers, pipes, holders of smoking materials of all types, cigarette rolling machines, or other instruments designed for the smoking or ingestion of tobacco products

tobacco samples: free or nearly free cigarettes or smokeless tobacco, or coupons, coupon offers, or rebate offers for these products

tobacco stores: stores that make more than 60% of gross annual revenue from the sale of tobacco products and paraphernalia, that prohibit unaccompanied minors, and that do not sell alcohol or food for consumption on the premises. This definition only applies for the purposes of self-service display laws.

We Card: a program of the Coalition for Responsible Tobacco Retailing that reminds retailers to check customer ID for tobacco purchases. We Card signs do not meet the requirements for signage under the ***STAKE Act*** and should not be used instead of ***STAKE Act*** signs.

youth decoys: youth who participate in law enforcement inspections of tobacco retail stores

DISCLAIMER

This material has been prepared for informational purposes only, and it may or may not reflect the most current legal developments. The State of California Department of Public Health, California Tobacco Control Program and the Attorney General's office have provided this brochure as a guide to the current laws regulating tobacco sales and use in California (at the time of this printing).

THIS IS NOT LEGAL ADVICE. The reader is advised that laws frequently change, and it is your responsibility to keep current with those legal requirements that affect the operation of your business or your personal conduct.



Stop Tobacco Access to Kids
E N F O R C E M E N T A C T



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Order online: www.TobaccoFreeCatalog.org